 terminus from left to right is toxin moiety, VL,L,VH,L,VL,L,VH, wherein the toxin moiety comprises a truncation mutation, L is a (G4S)3 (SEQ ID NO:16) linker, and VL and VH are the variable light and heavy domains of the anti-CD3 antibody.--

REMARKS

In the Communication of October 15, 2001, the Examiner asserts that the amendment of Claim 26 in the August 9, 2001, Amendment failed to comply with 37 CFR § 1.121 because a comma is underlined in the clean version of the claim and neither the clean nor marked-up version of the claim reflects a previous amendment. Claim 26 is modified herein to remove the underlining and to include the phrase "(SEQ ID NO:16)" which was added by Preliminary Amendment dated March 13, 2001. A marked up-copy of the claim is included as Attachment A.

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending claims are believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of the application to issue.

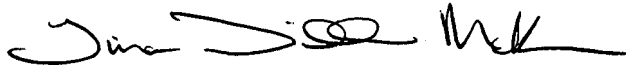
A check in the amount of \$400.00 and a Request for Extension of Time are enclosed.

This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No.

14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



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I hereby certify that this correspondence and anything indicated as included with this correspondence is being deposited with the United States Postal Service as Express Mail Invoice No. EL491882900US in an envelope addressed to: Box Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown below.


Tina Williams McKeon

October 22, 2001
Date

Attachment A
Version with Marked-up Claims

26. An anti-T cell immunotoxin fusion protein comprising a diphtheria toxin moiety and a targeting moiety, wherein the sequence from the amino terminus from left to right is toxin moiety, VL, L, VH, L, VL, L, VH, wherein the toxin moiety comprises a truncation mutation, L is a (G4S)₃ (SEQ ID NO:16) linker, and VL and VH are the variable light and heavy domains of the anti-CD3 antibody UCHT1[,and H is the γ IgG hinge].